

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

UNITED STATES OF AMERICA                          )  
    )  
    )         CASE NO: CR118-008  
v.    )  
    )  
    )  
    )  
DETRA WILEY PATE                                  )

CONSENT ORDER LIFTING TEMPORARY RESTRAINING ORDER

Defendant Detra Wiley Pate was convicted of committing one count of conspiracy to commit health care fraud, twenty-four counts of health care fraud, and eight counts of aggravated identity theft. (Doc. 102). The Government moved for a restraining order to preserve assets for Defendant's restitution judgment. (Doc. 144). The Court, as authorized by the All Writs Act, 28 U.S.C. § 1651, granted the Government's motion on a temporary basis, and set the matter down for a hearing on April 17, 2019. (Doc. 145).

The parties, via counsel, reached a resolution of the Government's motion, and the Court entered a Consent Order to keep the Temporary Restraining Order entered on April 4, 2019 in effect until 30 days after the entry of her judgment.<sup>1</sup> or until otherwise modified by the Court. (Doc. 148)

Defendant was sentenced by this Court during a hearing on July 30, 2019 and Judgment was entered on August 1, 2019 (Doc. 174), wherein the Court ordered Defendant to pay Restitution in the amount of \$950,000.00 and a special assessment in the amount of \$3,300.00.

The Court also ordered Defendant, both individually and as owner of Southern Respiratory, to release any interest in all funds withheld by Medicare and held in escrow related to Medicare

---

<sup>1</sup> See 28 U.S.C. § 3205(b)(1)(B) (the Government must wait 30 days after making demand for debt before a writ application).

payments to Southern Respiratory and to cooperate with Medicare in the release of the funds and the payment to Medicare.

The parties, via counsel, have reached a resolution to satisfy the balance of restitution owed after application of the Medicare funds.

Pursuant to the agreement of the Defendant, by and through her undersigned counsel, and the United States, by and through the undersigned Assistant United States Attorney, the Defendant and the United States hereby state, agree, and stipulate to the following:

1. The remaining balance of restitution due after application of the Medicare funds is \$100,586.62;
2. The \$7,500 bond currently being held by the Clerk of Court shall be applied toward the remaining restitution; and
3. Pursuant to the Judgment entered, Defendant shall pay to the Clerk of Court the remaining balance of restitution and the special assessment in the amount of Seven (7) Day S AM \$96,386.62 within ten (10) days of entry on this Order; and
4. The Temporary Restraining Order entered on April 4, 2019, and extended by consent of the parties, shall terminate upon entry of this Order, and Defendant shall no longer be enjoined from selling, transferring, alienating, assigning, leasing, encumbering, concealing, or otherwise disposing of any real property, financial accounts, ownership interests in any limited liability company, corporation, partnership, or other entity, non-essential personal property in which Defendant has an interest.

Accordingly, the Court hereby enters an Order lifting the Temporary Restraining Order in this case.

IT IS SO ORDERED, this 7<sup>th</sup> day of August, 2019.

J. RANDALL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

For the United States of America:  
Dated: August 5, 2019

Xavier A. Cunningham  
Assistant United States Attorney  
New York Bar No. 5269477  
22 Barnard Street, Suite 300  
Savannah, Georgia 31401  
Telephone: (912) 652-4422  
Facsimile: (912) 652-4991

For the Defendant Detra Wiley Pate:  
Dated: August 2, 2019

Detra Wiley Pate  
Detra Wiley Pate  
Defendant

Lauren A. Warner, Esq.  
Attorney for Defendant  
State Bar No. 425769  
Chilivis Cochran Larkins & Bever LLP  
3127 Maple Dr. NE  
Atlanta, Georgia 30305  
Telephone: (404) 233-4171  
Facsimile: (404) 261-2842